

# Exhibit 18

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WEBLOYALTY.COM, INC.,	:	
Plaintiff	:	C.A. No. 04-CV-90
v.	:	
CONSUMER INNOVATIONS, LLC,	:	
Defendant.	:	

**PRE-TRIAL STIPULATION**

COME NOW the Parties, by and through their respective Counsel, and to narrow and define the issues to be presented for trial on February 22<sup>nd</sup> and 23<sup>rd</sup>, 2005, in accordance with the Parties' *Joint Proposed Pretrial Order* and the Court's *Memorandum Order* dated February 17, 2005, and subject to the Court's approval, do hereby STIPULATE and AGREE as follows, to wit:

1. Defendant Consumer Innovations has withdrawn its jury prayer and Plaintiff Webloyalty agrees that the matter shall be submitted to a bench trial;
2. Consumer Innovations stipulates that it "copied" Webloyalty's Copyright Registration TX5-842-219 ("Sell Page");
3. Webloyalty stipulates that Consumer Innovations' copying of TX5-842-219 ("Sell Page"), and any finding of infringement as to either TX5-842-219 or TX5-875-671 ("Banner"), was and shall be "non-willful";
4. The issues of fact and law to be tried by the Court are and shall be:
  - a. On Plaintiff's Count I Claim of Infringement of TX5-842-219 ("Sell Page");

- i. The issue of fact as to whether the challenged copied language from TX5-842-219 is "original" to TX5-842-219 (per *Mem. Order* dtd. 02/17/2005 at pg. 4);
- ii. The issue of law as to whether the "original" elements of TX5-842-219 are entitled to copyright protection (per *Mem. Order* dtd. 02/17/2005 at pg. 4);
- b. On Plaintiff's Count II Claim of Infringement of TX5-875-671 ("Banner"), all issues of fact and law going to whether and the extent to which Consumer Innovations may be found liable for infringement of TX5-875-671;
- c. On Plaintiff's Count III Claim of Unfair Competition all issues of fact and law going to whether and the extent to which Consumer Innovations may be found liable for unfair competition under the Lanham Act, 15 U.S.C. § 1125(a).

5. The terms of this *Stipulation* are intended to supplement the *Joint Proposed Pre-Trial Order* already entered.

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